

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:978

ANSWERED ON:28.11.2006

MISUSE OF CRIMINAL PROCEDURE CODE

Agarwal Shri Dharendra;Renge Patil Shri Tukaram Ganpatrao

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) Whether the criminals are misusing anticipatory bail provisions of Criminal Procedure Code (Cr.P.C.); and
- (b) If so, the steps taken/to be taken by the Government in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRIS. REGUPATHY)

(a) & (b): In case of Balchand Jain Vs. State of Madhya Pradesh AIR 1977 SC 366, the Supreme Court of India has laid down that the power under section 438 of the Code of Criminal Procedure, 1973 is of an extraordinary character and must be exercised sparingly and in exceptional cases only. However, this matter falls exclusively within the purview of the judiciary.